

Mark Bailey,
Attorney at Law OSB #945295
294 Warner Milne Rd.
Oregon City, OR 97045
Phone; (503) 655-3032
E-mail markbaileylaw@gmail.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA)	
)	
)	
Plaintiff,)	No. CR 11-202-2MO
)	
v.)	
)	MOTION & AFFIDAVIT TO
)	CONTINUE TRIAL DATE
MINHTHY NGOC NGUYEN)	
Defendant.)	

Defendant, by and through her counsel Mark Bailey, moves the Court for an order continuing the currently scheduled trial date for at least 90 days or to date on or after April 30, 2012.

Further basis for this motion is set out in the counsels' affidavit, submitted herewith.

RESPECTFULLY SUBMITTED this 20th day of January 2012

/s/ MARK BAILEY
MARK BAILEY, OSB NO. 945295
Attorney for Defendant Minhthy Nguyen

AFFIDAVIT OF ATTORNEY

STATE OF OREGON)
) ss.
County of Clackamas)

I, MARK BAILEY, being first duly sworn, depose and say:

2. On July 13, 2011 I was appointed pursuant to the Criminal Justice to represent Minhthy Nguyen, and I make this affidavit in support of his motion to continue the trial date.
3. Defendants were charged with Conspiracy to Manufacture and Distribute Marijuana, Money Laundering and Mortgage Fraud.
4. This is the 3rd continuance requested by defendant.
5. There are social and language differences, which have made trial preparation and or plea negotiation more difficult than usual.
6. Co-counsel Kenneth Perry spoke with Assistant United States Attorney Jennifer Martin and informed all co-counsels that AUSA Martin has no objection to a continuance of this case for a period of 60 days.
7. Defendant has also been advised of Tu Ngoc Tran's joint motion to continue trial date, which includes a request for a status conference; Defendant has no objection and joins in the motion.
8. Defendant is out of custody and has been advised of her right to a speedy trial pursuant to statute and the Constitution. She understands those rights, and agrees to waive those rights by the filing of this motion, and further agrees hat the continuance, if granted, would constitute excludable delay.
9. Counsel agrees that the period of delay resulting from the granting of this motion constitutes delay which is excluded pursuant to Title 18, U.S.C. 3161(h)(7)(A).

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10. This motion is not made for purposes of delay, but, rather, to ensure Defendant's rights pursuant to the Sixth Amendment to the United States Constitution.

/s/ MARK BAILEY

MARK BAILEY

Attorney at Law, OSB# 945295

SUBSCRIBED AND SWORN TO before me this 20th day of January 2012.

/s/ KATHY WARNOCK

NOTARY PUBLIC FOR OREGON

My Commission expires: 06/28/2015